

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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BARREN MAR THUNA,

Plaintiff,

VS.

PHILLIP J. KOHN, *et al.*,

Defendants.

2:17-cv-02395-JAD-VCF

ORDER

Before the Court is Plaintiff Barren Mar Thuna's Motion for Third Summons. (ECF No. 26).

On October 24, 2017, the Court issued Summons to Quintin M. Dollente. The U.S. Marshal was unable to serve Dollente at the address provided by Thuna. On November 13, 2017, the Summons to Dollente was returned as unexecuted. (ECF No. 11 at 1). On January 12, 2018, the Court granted Thuna's second request to reissue Summons to Dollente due to a new address. (ECF No. 21). On March 6, 2018, the Summons on Dollente was returned as unexecuted. (ECF No. 25). The Marshal stated that Thuna failed to provide them with the required US 285 form.

Thuna now files the instant motion seeking the Court to reissue Summons on Dollente. (ECF No. 26). He states that he did provide the Marshal with the US 285 form.

In the screening order (ECF No. 7), the Court ordered that if the plaintiff wishes to have the U.S. Marshal attempt service again on any unserved defendants, then a motion must be filed with the Court identifying the unserved defendants, specifying a more detailed name and address, and indicating whether some other manner of service should be used. Here, it is clear that Plaintiff seeks to attempt service again on Dollente. Plaintiff's Motion for Third Summons (ECF No. 26) will be construed as a motion for

1 service. There seems to be some type of miscommunication error between Thuna and the Marshal
2 regarding service and it is not clear which side erred. The Court will grant Thuna's request to serve Thuna.

3 Accordingly,

4 IT IS HEREBY ORDERED that Plaintiff Barren Mar Thuna's Motion for Third Summons (ECF
5 No. 26) is GRANTED.

6 The Clerk of Court is directed to issue another Summons to Dollente. The Clerk of Court must
7 send a copy of the Summons and a blank copy of the USM-285 form to Plaintiff. Plaintiff has 20 days to
8 furnish to the U.S. Marshal the required USM-285 form. Within 20 days after Plaintiff receives copy of
9 the completed USM-285 form from the U.S. Marshal, Plaintiff must file a notice with the Court identifying
10 if defendant was served.

11 Given that the last day to effectuate service Dollente was February 28, 2018, the Court will extend
12 the time to effectuate service of the Complaint and Summons on Dollente to May 29, 2018.

13 IT IS SO ORDERED.

14 DATED this 9th day of April, 2018.


15 CAM FERENBACH
16 UNITED STATES MAGISTRATE JUDGE

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